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Utah Supreme Court

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IN THE UTAH SUPREME COURT

Union Pacific Railroad Company,

Petitioner,

Case No. 20110326-SC
(PSC Docket No. 09-888-01)

v.

Nature of Proceeding: Appeal

Utah Department of Transportation;
Utah Public Service Commission;
Anderson Geneva Development, Inc.;
and Town of Vineyard,

ORAL ARGUMENT REQUESTED

Respondents.

REPLY BRIEF OF APPELLANT, UNION PACIFIC RAILROAD COMPANY

On Appeal from a Final Order of the Utah Public Service Commission,
The Honorable Ruben H. Arredondo

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and Town of Vineyard,

Respondents.

REPLY BRIEF OF APPELLANT, UNION PACIFIC RAILROAD COMPANY

Appellant, Union Pacific Railroad Company ("Union Pacific"), respectfully submits this Reply Brief in support of its appeal of the February 7, 2011, Report and Order of the Utah Public Service Commission (the "Commission"). R. 947-71; Add. A to Union Pacific's Op. Br.

ARGUMENT

I. UNION PACIFIC PRESERVED BELOW AND PRESENTS ON APPEAL THE ISSUE WHETHER THE COMMISSION ERRONEOUSLY RULED THAT THE CROSSING IS PUBLIC EVEN THOUGH IT IS LOCATED SUBSTANTIALLY OR TOTALLY OFF OF PUBLIC RIGHT OF WAY

Union Pacific preserved below and raises on appeal the issue whether the railroad crossing at approximately 400 North Street in Vineyard, Utah (the “Crossing”), is a private crossing that is not subject to the statutory jurisdiction of the Utah Department of Transportation (“UDOT”). Union Pacific’s Op. Br. at 1. Union Pacific wishes to close the Crossing in the interests of safety, to prevent the traveling public from accessing a new development on the former Geneva Steel site over active freight and commuter rail lines. Whether Union Pacific is free to do so is the ultimate issue in this appeal. It is an issue of law. Union Pacific does not challenge any of the Commission’s findings of fact. This Court reviews the Commission’s legal conclusions for correctness, to determine whether the Commission “erroneously interpreted or applied the law.” Utah Code Ann. § 63G-4-403(d).

Union Pacific preserved this argument most explicitly in its Petition for Rehearing and Stay before the Public Service Commission. R. 980-89; Add. B. to

Union Pacific's Op. Br. Under Utah law, a party wishing to appeal a ruling of the Public Service Commission must first exhaust its administrative remedies by raising the issue of error before the Commission in a request for rehearing.

"Before seeking judicial review of the commission's action, any party shall . . . apply for rehearing on any matters determined in the action or proceeding."

Utah Code Ann. § 54-7-15 (1), 2(a). "An applicant may not urge or rely on any ground not set forth in the application in an appeal to any court." *Id.* § 54-7-15(2)(b); see *In re Questar Gas Co.*, 2007 UT 79, ¶ 42, 175 P.3d 545, 556 (Supreme Court may avoid addressing Commission's denial of request to intervene where appellants failed to raise issue of error before Commission in request for reconsideration); *Deseret Power, LP v. Public Serv. Comm'n*, 2007 UT 374, ¶ 17, 173 P.3d 218, 221 (Court of Appeals will not consider argument that Commission's factual findings were insufficient where appellant failed to raise issue before Commission in request for rehearing).

In its Petition for Rehearing and Stay before the Commission, Union Pacific argued: "UDOT does not have jurisdiction over the Crossing at issue in this matter because 400 North Street in Vineyard, Utah, is not a public road at the point where it crosses Union Pacific's tracks." R. 980, Add. B to Union Pacific's

Op. Br. Union Pacific noted that, Under Utah Code Ann. Section 54-5-15(2), UDOT has jurisdiction only over *public* roads that cross railroad tracks. *Id.* at 981. Union Pacific further noted the Commission's finding that the Crossing is located only partially on public right of way, if at all. *Id.*

Given the scope of UDOT's statutory jurisdiction and the Commission's findings concerning the location of the Crossing, Union Pacific argued that the Commission erred when it determined that, because the public right of way had not been abandoned, the current placement of the road wholly or substantially off of the public right of way "has no effect on the legal nature of the Crossing." *Id.* at 981 (quoting R. 962; Add. A to Union Pacific's Op. Br.). To the contrary, Union Pacific argued, "the current placement of 400 North determines whether UDOT has jurisdiction over the Crossing." *Id.* at 981. Union Pacific concluded by "urg[ing] the Commission to grant rehearing to reconsider UDOT's statutory grant of authority as applied in this case in light of the Commission's finding that '[t]here is no doubt the road and Crossing, as they presently lie, are either entirely or partly within the land that was vacated. They lie almost completely off the public ROW.'" *Id.* at 982 (quoting R. 962; Add. A to Union Pacific's Op. Br.).

Earlier, in its Post-hearing Position Statement, Union Pacific similarly argued: “[T]here is not a public right of way today that extends all the way through the Crossing. . . . [T]he reconfiguration relocated the Crossing in such a way as to move it off the public right of way, either substantially or totally.” *Id.* at 825; Add. D5 to Appellee’s Br. If the Crossing was on private property, Union Pacific argued, it was private. In that case, Union Pacific could close it without UDOT involvement. Therefore, in its Petition for Rehearing and Stay, Union Pacific requested stay of the Commission’s Order affirming UDOT’s determination that the Crossing was public to “prevent substantial improvements from being constructed and installed at the Crossing at UDOT’s insistence when the Commission or a court may yet determine that UDOT does not have jurisdiction over the Crossing.” *Id.* at 983; Add. B to Union Pacific’s Op. Br.

Union Pacific preserved for appeal the issue whether the Commission correctly determined that the Crossing is a public crossing over which UDOT has jurisdiction even though the Crossing is no longer located entirely, if at all, on public right of way. Union Pacific met the requirements of Utah Code Ann. Section 54-7-15 by raising this claim of error before the Commission in its Petition

for Rehearing and Stay. The fact that Union Pacific has presented several new cases for this Court's consideration on appeal is inconsequential, as this Court "routinely consider[s] new authority relevant to issues that have properly been preserved." *Patterson v. Patterson*, 2011 UT 68, ¶ 18, 266 P.3d 828, 833. This Court should reach the merits of Union Pacific's arguments.

II. THE COMMISSION FOUND THAT THE CROSSING WAS MOVED ENTIRELY OR SUBSTANTIALLY OFF OF PUBLIC RIGHT OF WAY AND THE CROSSING IS PRIVATE

The Crossing was moved substantially or totally off of public right of way and is, therefore, private. Anderson Geneva Development, Inc. ("Anderson Geneva"), concedes that the public nature of the Crossing would be extinguished if the road were moved entirely off of the original right of way. Appellee's Br. at 20, 36-37. Anderson Geneva states on at least thirteen pages of its brief that the road over the Crossing did not move. *Id.* at 3, 14, 15, 17, 19, 20, 28-30, 33, 35-37.

However, the Commission's determination is clear that the road is **not** "in precisely the same location as it was when it became public through implied dedication," as Anderson Geneva argues. *Id.* at 28; *see also id.* at 31. The Commission unambiguously found that "[t]here is no doubt the road and

Crossing, *as they presently lie*, are either entirely or partly within the land that was vacated [in 1942 by Utah County for construction and operation of a private steel mill]. They lie almost completely off the public ROW.” R. 962; Add. A to Union Pacific’s Op. Br. (first emphasis added). The Commission found that “[t]he road would come through the UPRR ROW but not completely reach the eastern boundary of the UPRR ROW.” *Id.* at 951.

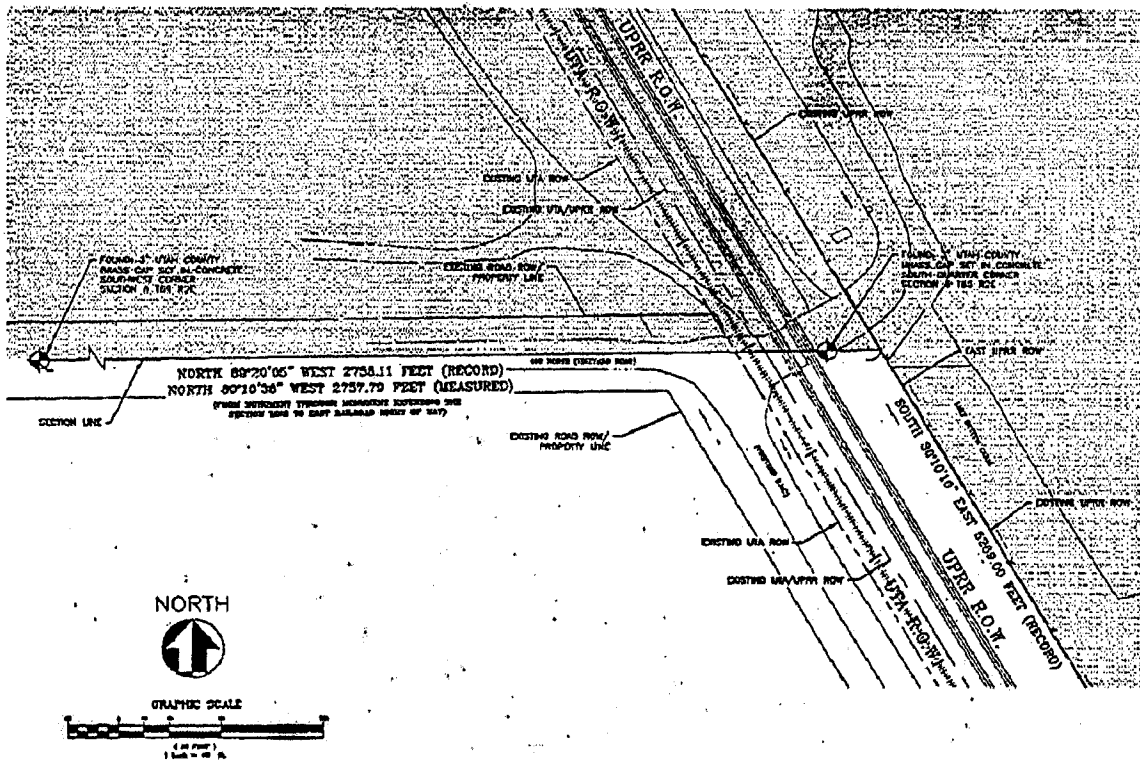
The Commission cited Exhibits 133 through 135 to support its finding. Exhibit 133 is reproduced on the next page, and all three Exhibits are attached as Add. C to this Reply Brief.¹ As the Commission found, the Exhibits show that what is left of the 400 North Street public right of way does not extend all the way through the Crossing to Union Pacific’s east right of way line. Ex. 133-135; Add. C to Union Pacific’s Reply Br.

The Commission also found that “[t]here is no dispute the Crossing and a portion of the 400 North were reconfigured sometime in the 1970’s.” *Id.* at 962 (emphasis added). But it is contrary to the Commission’s findings to refer to the reconfiguration as “Union Pacific’s relocation” of the road. Appellee’s Br. at 34;

¹ For the Court’s convenience, highlighting placed on Exhibit 134 at the Commission hearing has been emphasized in the copy of Exhibit 134 attached as Add. C.

UTAH COUNTY ROAD ABANDONMENT RECORD OF SURVEY

WINEYARD, UTAH COUNTY, UTAH
A PHASE OF LAND LOCATED IN SECTIONS 8 AND 17,
TOWNSHIP 6 NORTH, RANGE 3 EAST, MOUNT LANE BASIN AND NATIONAL



SURVEYOR'S CERTIFICATE

I, William E. Clark, do hereby certify that I am a Professional Land Surveyor, and that I hold certificate No. 123456, as protected under the laws of the State of Idaho. I further certify that a survey of the property described herein was performed by me or under my direction, and that said job was correctly done in accordance with the findings of that survey.




SURVEYORS NARRATIVE


[illegible]

2. TO THE CORNER CORRESPONDING TO SECTIONS 7, 8, 11, AND 12, ABOVE MENTIONED AND MARKED (WAS HERE BEFORE SECTION 20-2000) EAST 22ND ST. NEXT ABOVE SAID EIGHTH LANE TO THE EAST BOUND OF LAY OF THE BINDER AND TWO OTHER PARCELS; THEREAFTER SOUTH 20TH ST. EAST 20TH ST. NEXT ABOVE 3-40 EAST PARCEL EIGHTH OF EIGHT... 1

[illegible]

LEGEND

	NAME AFFIXED BY NAME JOHNSTON
_____	SIGNATURE LINE

_____	DATE WHEN SENT LINE
_____	TIME / MONTH DATE LINE
_____	TIME DATE LINE
_____	YOUR INFO/ PROPERTY LINE
	FEDERAL BUREAU OF INVESTIGATION

6/2/50

UTAH COUNTY ROAD ABANDONMENT
RECORD OF SURVEY

WILSON, UTAH COUNTY, UTAH
A PLACE OF 14-8 LOCATED IN SECTION 8 AND T1
RANGE 13 N-24 E-20 W. 10-11-12-13-14-15-16-17-18-19-20-21-22-23-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40-41-42-43-44-45-46-47-48-49-50-51-52-53-54-55-56-57-58-59-60-61-62-63-64-65-66-67-68-69-70-71-72-73-74-75-76-77-78-79-80-81-82-83-84-85-86-87-88-89-90-91-92-93-94-95-96-97-98-99-100-101-102-103-104-105-106-107-108-109-110-111-112-113-114-115-116-117-118-119-120-121-122-123-124-125-126-127-128-129-130-131-132-133-134-135-136-137-138-139-140-141-142-143-144-145-146-147-148-149-150-151-152-153-154-155-156-157-158-159-160-161-162-163-164-165-166-167-168-169-170-171-172-173-174-175-176-177-178-179-180-181-182-183-184-185-186-187-188-189-190-191-192-193-194-195-196-197-198-199-200-201-202-203-204-205-206-207-208-209-210-211-212-213-214-215-216-217-218-219-220-221-222-223-224-225-226-227-228-229-230-231-232-233-234-235-236-237-238-239-240-241-242-243-244-245-246-247-248-249-250-251-252-253-254-255-256-257-258-259-260-261-262-263-264-265-266-267-268-269-270-271-272-273-274-275-276-277-278-279-280-281-282-283-284-285-286-287-288-289-290-291-292-293-294-295-296-297-298-299-300-301-302-303-304-305-306-307-308-309-310-311-312-313-314-315-316-317-318-319-320-321-322-323-324-325-326-327-328-329-330-331-332-333-334-335-336-337-338-339-340-341-342-343-344-345-346-347-348-349-350-351-352-353-354-355-356-357-358-359-360-361-362-363-364-365-366-367-368-369-370-371-372-373-374-375-376-377-378-379-380-381-382-383-384-385-386-387-388-389-390-391-392-393-394-395-396-397-398-399-400-401-402-403-404-405-406-407-408-409-410-411-412-413-414-415-416-417-418-419-420-421-422-423-424-425-426-427-428-429-430-431-432-433-434-435-436-437-438-439-440-441-442-443-444-445-446-447-448-449-450-451-452-453-454-455-456-457-458-459-460-461-462-463-464-465-466-467-468-469-470-471-472-473-474-475-476-477-478-479-480-481-482-483-484-485-486-487-488-489-490-491-492-493-494-495-496-497-498-499-500-501-502-503-504-505-506-507-508-509-510-511-512-513-514-515-516-517-518-519-520-521-522-523-524-525-526-527-528-529-530-531-532-533-534-535-536-537-538-539-540-541-542-543-544-545-546-547-548-549-550-551-552-553-554-555-556-557-558-559-560-561-562-563-564-565-566-567-568-569-570-571-572-573-574-575-576-577-578-579-580-581-582-583-584-585-586-587-588-589-590-591-592-593-594-595-596-597-598-599-600-601-602-603-604-605-606-607-608-609-610-611-612-613-614-615-616-617-618-619-620-621-622-623-624-625-626-627-628-629-630-631-632-633-634-635-636-637-638-639-640-641-642-643-644-645-646-647-648-649-650-651-652-653-654-655-656-657-658-659-660-661-662-663-664-665-666-667-668-669-670-671-672-673-674-675-676-677-678-679-680-681-682-683-684-685-686-687-688-689-690-691-692-693-694-695-696-697-698-699-700-701-702-703-704-705-706-707-708-709-710-711-712-713-714-715-716-717-718-719-720-721-722-723-724-725-726-727-728-729-730-731-732-733-734-735-736-737-738-739-740-741-742-743-744-745-746-747-748-749-750-751-752-753-754-755-756-757-758-759-760-761-762-763-764-765-766-767-768-769-770-771-772-773-774-775-776-777-778-779-780-781-782-783-784-785-786-787-788-789-790-791-792-793-794-795-796-797-798-799-800-801-802-803-804-805-806-807-808-809-810-811-812-813-814-815-816-817-818-819-820-821-822-823-824-825-826-827-828-829-830-831-832-833-834-835-836-837-838-839-840-841-842-843-844-845-846-847-848-849-850-851-852-853-854-855-856-857-858-859-860-861-862-863-864-865-866-867-868-869-870-871-872-873-874-875-876-877-878-879-880-881-882-883-884-885-886-887-888-889-890-891-892-893-894-895-896-897-898-899-900-901-902-903-904-905-906-907-908-909-910-911-912-913-914-915-916-917-918-919-920-921-922-923-924-925-926-927-928-929-930-931-932-933-934-935-936-937-938-939-940-941-942-943-944-945-946-947-948-949-950-951-952-953-954-955-956-957-958-959-960-961-962-963-964-965-966-967-968-969-970-971-972-973-974-975-976-977-978-979-980-981-982-983-984-985-986-987-988-989-990-991-992-993-994-995-996-997-998-999-1000-1001-1002-1003-1004-1005-1006-1007-1008-1009-1010-1011-1012-1013-1014-1015-1016-1017-1018-1019-1020-1021-1022-1023-1024-1025-1026-1027-1028-1029-1030-1031-1032-1033-1034-

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see also id. at 19. The Commission found that there was insufficient evidence to determine whether Utah County was involved in reconfiguring the Crossing, whether only Union Pacific and Geneva Steel were involved, or whether the relocation of the road resulted from natural shifting over time. R. 962; Add. A to Union Pacific's Op. Br.

In any event, Union Pacific's involvement in the reconfiguration should not be interpreted as consent to relocation of a public right of way. As the Commission found, at the time of the relocation, the road leading to the Crossing was public only on the west side, and the Crossing was being used as an entrance to the Geneva Steel plant, and not by the general public. *Id.* at 959.

Indeed, the Commission found that viewing

engineering standards alone, without considering the statutory and other legal provisions governing abandonment of public thoroughfares, it would seem the Crossing would be private. For example, the Crossing would not meet the MUTCD's [Manual of Uniform Traffic Control Devices] provision that either side of a crossing be a public roadway, given that only one side is public. Also, the FRA [Federal Railroad Administration] Manual reiterates that in order for the Crossing to be public, both approaches to the Crossing must be open to the public and also maintained by the County or some other public authority. When viewing these standards and applying them to the Crossing and

400 North, it would tend to show the Crossing is private, as contended by UPRR.

Id. at 959-60.

Consistent with current engineering standards, this Court held in *Bamberger Electric R. Co. v. Public Utilities Commission of Utah* that “the real test of whether a roadway or crossing is private or public consists in that any one of the public having the right of passage may compel its remaining open and unobstructed.” 204 P. 314, 319 (Utah 1922).

Ultimately, the Commission ruled that the Crossing was public “despite any reconfiguration, lack of maintenance or public use, or even the placement of barricades across the Crossing.” R. 960; Add. A to Union Pacific’s Op. Br. The Commission concluded: “This result seemingly leaves the Crossing and what is left of 400 North as a bit of an oddity – a public thoroughfare that crosses into private property.” *Id.* at 965. The Commission’s determination fails the “real test” of *Bamberger*. R. 920. Since 1942, the public could not compel 400 North Street to remain open and unobstructed on the east side of the Crossing, because it entered private property there.

Further, the relocation of the Crossing was not a “slight deviation” made

to "avoid encroachments, obstacles, or obstructions upon the road." *Lindsay Land & Livestock Co. v. Churnos*, 285 P. 646, 648 (Utah 1929). It was a substantial reconfiguration that extinguished the public nature of the Crossing. See *Lund v. Wilcox*, 97 P. 33, 35 (Utah 1908). It cannot be deemed within the scope of the public right of way because it was performed for safety reasons. Appellee's Br. at 20. This is contradicted by the express finding of the Commission that the Crossing has moved outside the public right of way. R. 962; Add. A to Union Pacific's Op. Br. The Crossing should not be considered public in spite of this fact. If it is, there will be "no limit to the extent of territory that the claimant of a right of way may appropriate" *Lund*, 97 P. at 35.

CONCLUSION

Union Pacific does not argue on appeal that the public right of way that formerly crossed the railroad tracks near 400 North Street was extinguished. But as the Commission found, the Crossing is not located on it. If the public right of way overlaps the Crossing at all, it does not extend all the way through Union Pacific's right of way from the west to the east. R. 951. It does not touch Anderson Geneva's property. *Id.* Contrary to the Commission's determination,

the Crossing is not public “despite any reconfiguration, lack of maintenance or public use, or even the placement of barricades across the Crossing.” R. 960. It is **private** precisely for those reasons. Union Pacific urges this Court to reverse the Commission’s determination that the Crossing is public so that Union Pacific may close it in the interests of safety to prevent the public from traveling over active freight and commuter rail lines to access Anderson Geneva’s development at the former Geneva Steel site.

DATED this 16th day of April, 2012.



Reha Kamas
Attorney for Defendant/ Appellee
Union Pacific Railroad Company

CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of April, 2012, two copies of the foregoing were served in the manner indicated below upon the following:

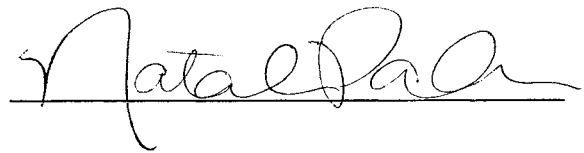
Troy L. Booher	<input checked="" type="checkbox"/> U.S. Mail
Christopher L. Stout	<input type="checkbox"/> Hand Delivered
Zimmerman Jones Booher LLC	<input type="checkbox"/> Overnight
136 South Main Street, Ste. 721	<input type="checkbox"/> Facsimile
Salt Lake City, UT 84101	<input type="checkbox"/> No Service
(801) 924-0200	
Dennis M. Astill	<input checked="" type="checkbox"/> U.S. Mail
Dennis M. Astill, PC	<input type="checkbox"/> Hand Delivered
7730 S. Union Park Avenue, Suite 130	<input type="checkbox"/> Overnight
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Assistant Attorney General	<input type="checkbox"/> Hand Delivered
160 East 300 South, Fifth Floor	<input type="checkbox"/> Overnight
P.O. Box 140858	<input type="checkbox"/> Facsimile
Salt Lake City, UT 84114-0858	<input type="checkbox"/> No Service
<i>Counsel for UDOT</i>	
David L. Church	<input checked="" type="checkbox"/> U.S. Mail
Blaisdell and Church	<input type="checkbox"/> Hand Delivered
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Salt Lake City, UT 84123	<input type="checkbox"/> Facsimile
<i>Counsel for Town of Vineyard</i>	<input type="checkbox"/> No Service

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Salt Lake City, UT 84114

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Certificate of Compliance With Rule 24(f)(1)

Certificate of Compliance With Type-Volume Limitation, Typeface Requirements, and Type Style Requirements


1. This brief complies with the type-volume limitation of Utah R. App. P.24(f)(1) because:

This brief contains 2,000 words, excluding the parts of the brief exempted by Utah R. App. P.24(f)(1)(B), or

This brief uses a monospaced typeface and contains 178 lines of text, excluding the parts of the brief exempted by Utah R. App. P.24(f)(1)(B).

2. This brief complies with the typeface requirements of Utah R. App. P.27(b) because:

This brief has been prepared in a proportionally spaced typeface using Microsoft Office Word 2007 in 13 point fonts of varying styles.



Reha Kamas

Dated: April 16, 2012

ADDENDUM

Addendum C: Exhibits 133, 134, 135

ADDENDUM C

VINEYARD, UTAH COUNTY, UTAH
A PARCEL OF LAND LOCATED IN SECTIONS 8 AND 17,
TOWNSHIP 6 SOUTH, RANGE 2 EAST, SALT LAKE BASIN AND MERRIAM



I, William L. Clark, do hereby certify that I am a Professional Land Surveyor, and that I hold certificate No. 8351265 as prescribed under the laws of the State of Utah. I further certify that a survey of the property described herein was performed by me or under my direction, and that this plot correctly depicts the findings of that survey.



William L. Clark
P.L.S. No. 8251265

[illegible]

TO THE CORNER CORNER TO SECTION 7, 8, 17, AND 18, ABOVE TOWNSHIP
AND RANGE 13, R2E, T33N, R10E, NORTH 40°20'00" EAST 27001'11" FEET ALONG
SOUTH LINE OF LAND TO THE RIGHT OF WAY OF THE DENVER AND RAILROAD
(RAILROAD); THENCE SOUTH 50°10'00" EAST 6289.00 FEET ALONG SOUTHEAST
RAILROAD RIGHT OF WAY.

LANDS AFFECTED
BY ROAD ABANDONMENT

SECTION LINE

EAST UPPER ROW LINE

UTA / UPRR ROW LINE

UTA ROW LINE

ROAD ROW/
PROPERTY LINE

FIND SECTION CORNER

100-443886-100
 MAR 22 1966
 FBI - NEW YORK
 TELETYPE UNIT

05/26/08
1°-40'

UTAH COUNTY ROAD ABANDONMENT
RECORD OF SURVEY
WINEYARD, UTAH COUNTY, UTAH

PSOMAS
1178 Blackfoot Road, Suite 200
Salt Lake City, Utah 84123
(801) 270-5777 (901) 270-5782 (FAX)

1-857	AGENCY	WLC	DMC	IN-CHARGE
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UTAH COUNTY ROAD ABANDONMENT RECORD OF SURVEY

VINEYARD, UTAH COUNTY, UTAH
A PARCEL OF LAND LOCATED IN SECTIONS 8 AND 17,
TOWNSHIP 8 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN.

Union Pacific Railroad Co.
Utah Dept. of Transportation
Docket No. 05-888-01
134



DATE 06/13/76

UTAH COUNTY ROAD ABANDONMENT
RECORD OF SURVEY

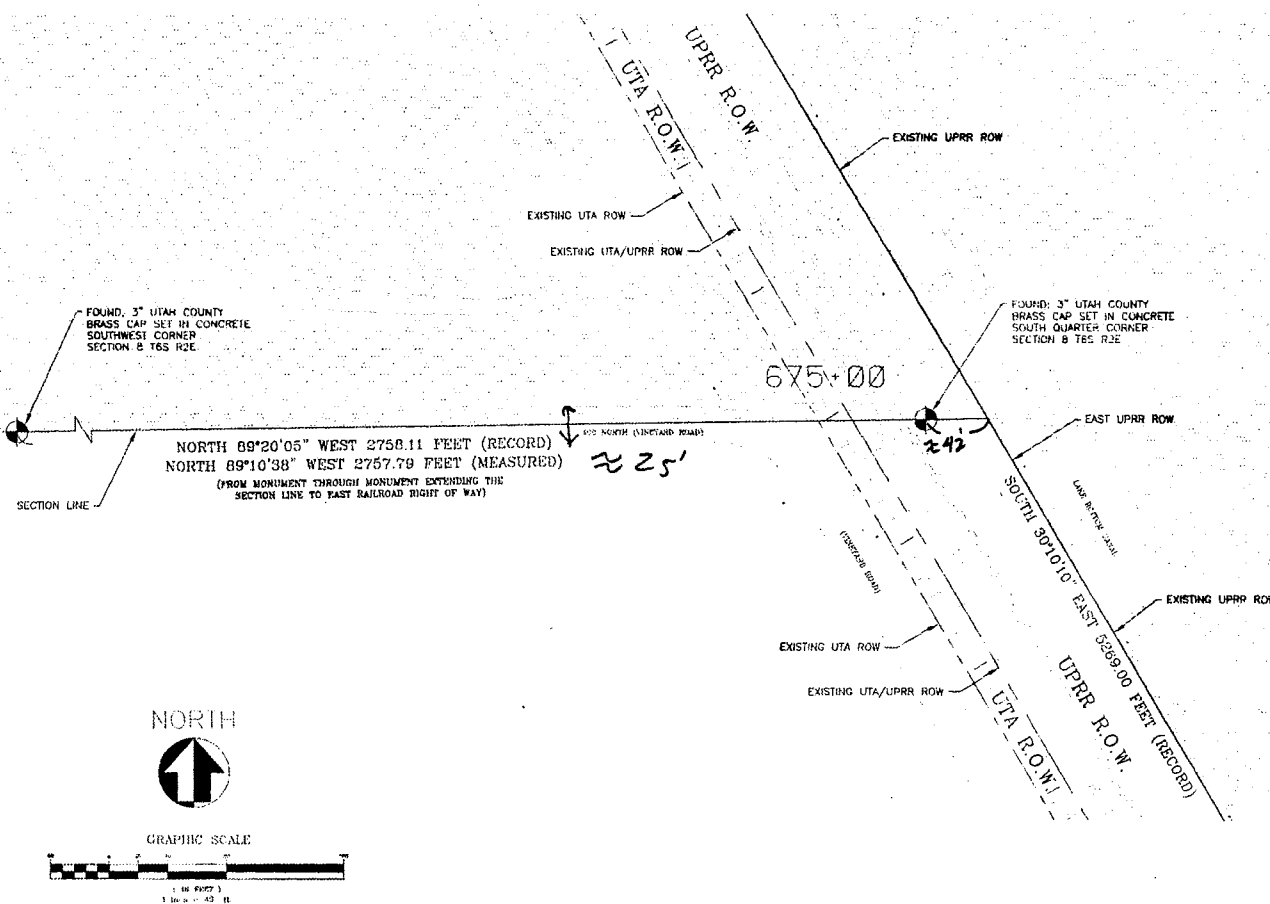
VINEYARD, UTAH COUNTY, UTAH
A PARCEL OF LAND LOCATED IN SECTIONS 8 AND 17,
TOWNSHIP 8 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN.

PSOMAS

4780 Burdick Road, Suite 200
Salt Lake City, Utah 84121
(801) 261-5171 (801) 261-5181 (TX)

W.C.	CEA	TLC
W.C.	CEA	TLC

1
1



SURVEYOR'S CERTIFICATE

I, William L. Clark, do hereby certify that I am a Professional Land Surveyor, and that I hold certificate No. 5251285 as prescribed under the laws of the State of Utah. I further certify that a survey of the property described herein was performed by me or under my direction, and that this plat correctly depicts the findings of that survey.



William L. Clark
P.L.S. No. 5251285

Date

SURVEYOR'S NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO DEPICT THE LOCATION OF THE LANDS REFERRED TO IN THAT CERTAIN RESOLUTION AND ORDER OF THE BOARD OF COUNTY COMMISSIONERS, OF UTAH COUNTY, UTAH, RESOLVED AUGUST 10, 1943 AS DOCUMENT "A-8839" IN BOOK 3, PAGE 303, UTAH COUNTY RECORDS, AS IT AFFECTS THE INTERSECTION OF 400 NORTH "VINEYARD" AND THE UNION PACIFIC RAILROAD RIGHT OF WAY. THIS SURVEY DEPICTS THE LOCATION OF THE SECTION LINE AND EAST RIGHT OF WAY OF THE UNION PACIFIC RAILROAD REFERRED TO IN LINES 23 - 25 OF THE UTAH COUNTY DESCRIPTION PER SAID RESOLUTION, BEING MORE SPECIFICALLY DESCRIBED AS:

"... TO THE CORNER COMMON TO SECTIONS 7, 8, 17, AND 18, ABOVE; TOWNSHIP AND RANGE (T6S, R2E); THENCE NORTH 89°20'05" EAST 2758.11 FEET ALONG SAID SECTION LINE TO THE EAST RIGHT OF WAY OF THE DENVER AND RIO GRANDE RAILROAD; THENCE SOUTH 30°10'10" EAST 3269.00 FEET ALONG SAID EAST RAILROAD RIGHT OF WAY...

PSOMAS HAS MEASURED SAID SECTION LINE AND RAILROAD RIGHT OF WAY LINE IN THE FIELD AND BOTH ARE DEPICTED ON THIS SURVEY. THE SUBJECT SECTION LINE, BEING THE COMMON LINE TO SECTIONS 8 AND 17, TOWNSHIP 8 SOUTH, RANGE 2 EAST, EXISTS APPROXIMATELY IN THE CENTER OF THE IMPROVED ROADWAY OF 400 NORTH (AS SHOWN). THE LANDS AFFECTED BY SAID RESOLUTION (ROAD ABANDONMENT) ARE SHOWN IN HATCHING.

LEGEND

- LANDS AFFECTED BY ROAD ABANDONMENT
- SECTION LINE
- EAST UPRR ROW LINE
- UTA / UPRR ROW LINE
- UTA ROW LINE
- ROAD ROW / PROPERTY LINE
- FOUND SECTION CORNER

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